IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 23390 of 2004

Between:

1 B. Venugopal S/o Chinna Mastanaiah
R/o Buja-Buja Nellore Village & Gram Panchayat, Nellore Mandal, &

District
2 Smt. D. Subbamma W/o Ramanaiah
R/o Buja-Buja Nellore Village & Gram Panchayat, Nellore Mandal, &

District
3 Smt. M. Padmavathi W/o Ravi
R/o Buja-Buja Nellore Village & Gram Panchayat, Nellore Mandal, &

District
4 B. Venkataramanaiah S/o Sri Ramulu
R/o Buja-Buja Nellore Village & Gram Panchayat, Nellore Mandal, &

District

.... PETITIONERS

AND

1 The Mandal Revenue Officer, Nellore.
2 The Revenue Divisional Officer, Nellore.
3 The District Collector, Nellore, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Wit of Mandamus declaring the notice dated 6-12-2004 issued by the 1st respondent as illegal, arbitrary, violation of principles of natural justice and consequently direct the respondents to consider the explanation submitted by the petitioners dated 13-12-

2003 and to pass appropriate orders taking into account the long length of possession and to grant pattas to the petitioners.

Counsel for the Petitioners: MR.M.RAMALINGESWARA REDDY

Counsel for the Respondents: GP FOR REVENUE

The Court at the stage of admission made the following :

ORDER:

The petitioners claim to be owners and possessors of small extents of land measuring about 54 sq.ft, 22 sq.ft. 10.32 sq.ft etc and paying the taxes to the Gram Panchayat. While so, the first respondent Mandal Revenue Officer issued a notice under section 7 of 1905 Madras Act.3 and petitioners stated to have submitted their explanation on 13-12-2004. The grievance of the petitioners is that without considering their explanation dated 13-12-2004, the respondents are trying to evict them from the subject lands illegally.

Heard the learned counsel for petitioner and learned Government Pleader for Revenue. Both counsel agreed for disposal of the writ petition at the stage of admission.

Having regard to the facts and circumstances of the case, the writ petition is disposed of directing the respondents to consider the explanation submitted by petitioners and follow due procedure contemplated under law, if they intend to evict the petitioners from the subject land. Till such time, status quo existing as on today shall be maintained. It is made clear that if the respondents had already followed the due procedure contemplated under law, or the subject land is Government land, the respondents are at liberty to proceed further in the matter. No costs.

N.V.RAMANA,J

16TH DEC, 2004

Tvk

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Mandal Revenue Officer, Nellore
2 The Revenue Divisional Officer, Nellore
3 The District Collector, Nellore, Nellore District

4 Two C.Cs. to the G.P. for Revenue, High Court Buildings,

Hyderabad(OUT).

5 Two C.D. copies.